Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 014-00480-1510-151 | Date: 01/18/14 | Time: 0210 hours

Location: [redacted] Ibsen Street | City or Station: Pico Rivera

Bureau/Station/Facility: Homeland Security Division/SEB-Canine Services | Admin. Investigation: ○ YES ◉ NO

Type of Force: Canine Bite - Fractured wrist

Incident Category: ○ 1 ○ 2 ◉ 3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ◉ YES ○ NO

☒ Call ☐ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉ YES ○ NO | Person Notified: Lieutenant Michael Berg | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Cook	John	A.	Sgt.

Sex: ◉ M ○ F | Race: B | Height: 6' 03" | Weight: 265 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: SEB | Work Assignment (Unit #, Module, etc.): 240K9-Sam

Individual Force Used: Directed deployment of canine | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ◉ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Messerschmidt	Curt	A.	Dep.

Sex: ◉ M ○ F | Race: W | Height: 6' 01" | Weight: 170 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: SEB | Work Assignment (Unit #, Module, etc.): 240K9-7

Individual Force Used: Deployed canine | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ◉ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Cook	John	A.	Sgt.	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Grote	Dinah	L.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Chase	Bruce	D.	Lt.

Watch Commander / Supervising Lieutenant's **Signature:** ______ Date ______ Copy Provided to Employee by: [redacted] Emp #:

Jack W. Ewell

Unit Commander **(Print Name)** ______ Unit Commander's **Signature**: ______ Emp #: ______ Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

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EMPLOYEE / NON-EMPLOYEE INFORMATION

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Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Reedy	Spencer	J.
Unit of Assignment: SEB	**Work Assignment (Unit #, Module, etc.):** 240K9-3	**Shift:** ○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty
Emp. #	Last Name	First Name	Middle Name
Unit of Assignment:	**Work Assignment (Unit #, Module, etc.):**	**Shift:** ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty
Emp. #	Last Name	First Name	Middle Name
Unit of Assignment:	**Work Assignment (Unit #, Module, etc.):**	**Shift:** ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

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SUSPECT INFORMATION

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Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Soto	Edward	Matthew	Not Armed

AKA Last Name: First Name: Middle Name:

Sex:	Race:	Age:	Height:	Weight	D.O.B:	Phone #1: ○ H ○ W ◉ C	Phone #2: ○ H ○ W ○ C
◉ Male ○ Female	M	21	5' 06"	145	8/24/93	[redacted]	None provided

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 3837230 Primary Charge Code: 25850(C)(1) PC Secondary Charge Code: 25850(C3) PC ☒ Criminal History

Treated on Scene? ◉ YES ○ NO Name: LACO Fire-Capt. Morales Unit: Engine 40 Phone #: (213) 485-6265

Hospital Admission? ☐ Rec'd Treatment At: Presbyterian Inter.Com Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Dr. Jarema Address: 12401 Washington Blvd., Whittier Phone #: (562) 698-0811

Under Influence: ◉ YES ○ NO Substance: Combination 5150 a factor in force? ○ YES ◉ NO User's guide provides direction on this entry

Suspect Interview

Date: 01/18/14 Time: 0222 ☒ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name: First Name: Middle Name:

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name: First Name: Middle Name:

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

0 1 4 - 0 0 4 8 0 - 1 5 1 0 - 1 5 1

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Soto	S#1	Sergeant Cook	E#1	UC, HR	NN	
Suspect Soto	S#1	Dep.Messerschmidt	E#2	UC, HR	NN	
Sergeant Cook	E#1	Suspect Soto	S#1	CN	DB, FR	WR
Dep.Messerschmidt	E#2	Suspect Soto	S#1	CN	DB, FR	WR

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
USE OF FORCE
(CANINE BITE - FRACTURED RIGHT WRIST)
IAB# FO2348873

DIVISION/UNIT: Homeland Security/Special Enforcement Bureau-Canine Services

DATE/TIME: Saturday, February 18, 0210 hours

LOCATION: [redacted] Ibsen Street, Pico Rivera, CA. 90660.

SUSPECT: Edward Soto, MH/21, DOB: 05/24/93, Booking #3837230
"Pico Viejo" gang member, monikers: "Boy, Wreck and/or Eddie."

INVOLVED EMPLOYEES: Sergeant John Cook, #[redacted] Unit 240K9-Sam, Pm's
Deputy Curt Messerschmidt, #[redacted] Unit 240K9-7, Pm's

On January 18, 2014, Internal Affairs Bureau's Force and Shooting Response Lieutenant Michael Berg, was initially notified of the canine bite. Several hours later, Canine Services Detail Sergeant John Cook re-notified Lieutenant Berg and advised the suspect sustained a fractured wrist as a result of the canine bite. Sergeant Cook also advised that their Unit would handle the initial investigation, with follow-up by Internal Affairs Bureau.

Lieutenant Berg responded to Pico Rivera Sheriff's Station and retrieved copies of written documents/reports. Attorney Julie Ruhlin from the Office of Independent Review was notified, but did not respond.

SYNOPSIS:

On Saturday, January 17, 2014, Pico Rivera Station deputies responded to a call for service wherein six gang members from the "Pico Viejo" gang "flashed" a chrome handgun at the informant. While deputies searched for the disturbing parties, they observed two males who matched the description of the individuals in the call.

When the deputies attempted to detain them, the suspects fled on foot. Both suspects were observed holding handguns as they jumped a residential fence and entered the backyard where a deputy saw one of the suspects discard a black handgun in an adjacent yard. A containment of the area was established.

Shortly thereafter, Pico Rivera Station deputies recovered the black handgun, which was a semi-automatic Glock, containing a magazine with 18 live rounds. Also, the suspect (Tommy Garcia) who discarded the black handgun was located and arrested. He is a known and active "Pico Viejo" gang member.

Pico Rivera Station personnel requested Canine Services Detail for a search. Canine Sergeant John Cook #[redacted] and canine handlers, Deputies Curt Messerschmidt #[redacted] and Spencer Reedy #[redacted] responded to the Pico Rivera Station area, along with Deputy Messerschmidt's police service dog, "Coz."

Sergeant John Cook was briefed by the patrol deputies who witnessed seeing the armed suspects. Sergeant Cook authorized deployment of the canine based on several different factors; 1. - The suspect, while in possession of handgun and accompanied by a fellow armed gang member, fled from uniformed deputies instead of submitting to a lawful detention, 2. - The suspect, who was already suspected of brandishing his firearm at one victim, fled from law enforcement into a residential neighborhood, further threatening the safety of local families and other persons in the area.

Deputy Reedy drove around the containment area and played pre-recorded canine announcements in both English and Spanish for approximately 10-15 minutes. During this time frame, the air unit also played pre-recorded canine announcements from their helicopter.

Approximately five to ten minutes later after no one surrendered, Deputy Messerschmidt and his canine, Coz, started to search the containment area, along with Sergeant Cook and Deputy Reedy followed by two patrol deputies (Steven Huerta and Leonardo Avendano) area.

When Deputy Messerschmidt started his search at the location ([redacted] Ibsen Street), he walked along the side of the residence to a locked gate. Looking into the backyard, he saw a shed-like structure, which had a door in an open position eight to ten inches.

Sergeant Cook was advised by the resident, Non-Employee Witness [redacted] that she did not give anyone permission to be in her yard and that no one should be in her backyard. She also authorized entry into her residence and gave permission for Canine personnel to search her backyard.

Deputy Messerschmidt, along with Sergeant Cook and Deputy Reedy entered the master bedroom where an exit door was located. Standing at the doorway, Deputy Messerschmidt made several verbal announcements into the backyard for the suspect to surrender and that the canine would be deployed. Since no response or noise was heard, Deputy Messerschmidt released his canine into the rear yard.

Several seconds after Deputy Messerschmidt released his canine, the canine went into the open shed door. Within seconds, screaming and yelling was heard coming from the shed, which led Deputy Messerschmidt to believe his canine located the suspect.

Deputy Messerschmidt immediately ordered the suspect (Edward Soto) to come out of the shed, to lay flat down on the ground and to show his hands. The suspect complied and crawled out on his hands and knees with the canine still holding onto his right arm. As the suspect's upper torso crossed the threshold of the door, the suspect rolled onto his back and attempted to pry the canine bite from his arm, which was unsuccessful.

Deputy Messerschmidt told the suspect to stop fighting the canine and he (Messerschmidt) would release the bite. Suspect Soto complied. After verifying the suspect was not armed, Deputy Messerschmidt released the canine from the suspect's arm. The suspect was handcuffed without further incident. The shed was being utilized as a storage/laundry room.

Suspect Soto sustained canine rakes and punctures to his right wrist. He was transported to Whittier Presbyterian Hospital and treated by Doctor Jarema. It was later determined that Suspect Soto also sustained a fractured right wrist from the canine bite. He was medically cleared for booking and transported to the Inmate Reception Center for further medical care. *For further, refer to Canine Services Detail's completed force packet **(Exhibit A)** and the CD's **(Exhibits B, C, D and E)**, which include photographs and interviews.*

The chrome handgun was not located.

There were no injuries to deputy personnel.

Suspect Soto admitted running from deputies because he believed he had a warrant for his arrest. He denied hearing any of the canine announcements because he was asleep in the shed. He admitted that he did not have permission to be inside the shed.

Operation Safe Streets Detective Calderon submitted the complaint and two gang affiliation charges (promote or assist criminal street conduct by gang members; and participate in criminal gang activity to promote or assist gang members) were filed against Suspect Soto by Los Angeles County Deputy District Attorney Brock Lunsford from the Hardcore Gang Unit.

Suspect Soto was released on bail or his own recognizance and failed to go to court on the above case, which resulted in a warrant being issued for his arrest.

[redacted]

On May 12, 2014, Suspect Soto was convicted of felony vandalism and admitted to a gang allegation. The remaining allegations were dismissed. Suspect Soto was sentenced to two years in state prison.

> **IAB NOTE:** The initial suspect (Tommy Garcia) was arrested and convicted of possession of a loaded handgun and a gang affiliation charge. He was sentenced to two years in state prison.

INVOLVED EMPLOYEES:

COOK, John A.
Sergeant, Employee #[redacted]
Homeland Security Division/ Special Enforcement Bureau-Canine Services

WORK HISTORY:

Date of Employment:	05/25/1995
Date assigned to SEB/Canine:	04/13/2012
Date of Promotion:	[redacted]
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	

MESSERSCHMIDT, Curt A.
Deputy, Employee #[redacted]
Homeland Security Division/ Special Enforcement Bureau-Canine Services

WORK HISTORY:

Date of Employment:	05/18/1989
Date assigned to SEB/Canine:	06/13/2010
Completed patrol training:	[redacted]
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	

EMPLOYEE WITNESS:

REEDY, Spencer J.
Deputy, Employee #[redacted]

NON-EMPLOYEE WITNESSES:
[redacted] FH/76, DOB: [redacted]

Home telephone – [redacted]

[redacted] MH/39, DOB: [redacted]

Home telephone – [redacted]

[redacted] FH/59, DOB: [redacted]

Home telephone – [redacted]

SUSPECT INFORMATION:
SOTO, Edward Matthew, MH/21, DOB: 05/24/93, 5' 06", 145 lbs., Booking #3837230. "Pico Viejo" gang member, monikers: "Boy, Wreck and/or Eddie."
[redacted]

Cell phone - [redacted]

CII # [redacted] CCHRS # [redacted] MAIN # [redacted] FBI # [redacted]
A check of CCHRS/CII (Consolidated Criminal History Reporting System/Criminal Information Index) revealed that Suspect Edward Soto was on [redacted]

In this incident/arrest (January 2014), Suspect Soto's case was dismissed due to negotiation in a secondary felony arrest (April 2014) in which he was convicted of vandalism and gang affiliation. He was sentenced to state prison for two years. *For further, refer to Suspect Soto's booking packet and CCHRS/CII printouts, presented as* ***Exhibits F and G****, in the case book.*

INJURIES:
No Department personnel were injured during this incident.

Suspect Soto sustained punctures, rakes, and a fractured right wrist from the canine bite. *For further, refer to photographs of Suspect Soto and his injuries, and a copy of his medical clearance to book, presented as* ***Exhibits E and F****, in the case book.*

PHYSICAL EVIDENCE:
There was no evidence retained during this incident.

INVESTIGATORS' OBSERVATIONS:

The scene was not held by the personnel from Canine Detail Services because the fracture was not discovered until several hours after the incident. However, photographs of the shed and its interior were taken by Sergeant John Cook from Canine Services Detail. *For further, refer the CD containing photographs of the scene **(Exhibit C)** or the printed photographs of the scene **(Exhibit D)**, in the case book.*

WEAPONS USED BY DEPUTY PERSONNEL:

Sergeant Cook directed Deputy Messerschmidt to deploy his canine "Coz."

Deputy Messerschmidt deployed his canine, Coz. The dog bit the suspect's right arm causing punctures, rakes, and a fractured right wrist.

WEAPONS USED BY THE PATIENT:

Suspect Soto did not comply with Canine's audio announcements and remained hidden. He also resisted the canine dog in an attempt to pull his arm from the dog's mouth.

PROPERTY DAMAGE:

No property was damaged in this incident.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	OSS-Pico Rivera Detective Oscar Calderon #[redacted]
Court:	Norwalk Superior Court
Charges Filed:	186.22(b)(1)(A) and 186.22(a) P.C.
DA Case Number:	VA133530

On January 22, 2014, Detective Calderon submitted the complaint and the above charges (promote or assist criminal street conduct by gang members; and participate in criminal gang activity to promote or assist gang members) were filed against Suspect Soto by Los Angeles County Deputy District Attorney Brock Lunsford from the Hardcore Gang Unit. *For further, refer to the criminal complaint filing, presented as **Exhibit J**, in the case book.*

Suspect Soto was released on bail or his own recognizance and failed to go to court on the above case, which resulted in a warrant being issued for his arrest.

[redacted] *For further, refer to the criminal arrest report and the felony complaint filing, presented as **Exhibit K**, in the case book.*

IAB NOTE: In the above criminal incident, Suspect Soto ran and hid from deputy personnel. After containment was established, Canine Services Detail responded and began their search with a canine. Suspect Soto was located hiding inside a refrigerator in a garage. He surrendered to canine personnel without being bit by the canine.

Deputy District Attorney Lunsford consolidated both criminal cases (VA133530 and [redacted] and on May 12, 2014, Suspect Soto was convicted of felony vandalism and admitted to a gang allegation. The remaining allegations were dismissed. Suspect Soto was sentenced to two years in state prison.

LIGHTING AND WEATHER CONDITIONS:

It was a cool, clear and dark night. The area of the backyard and shed was dark when the canine was deployed.

INVOLVED EMPLOYEES' STATEMENTS:

Sergeant John Cook *was interviewed on August 20, 2014, at approximately 1035 hours, by IAB Sergeant Dinah Grote at the Internal Affairs office. Sergeant Cook declined representation. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions-Involved Employees****, section of the casebook.*

Sergeant John Cook stated he received a telephone call from Canine Deputy Curt Messerschmidt who told him that he (Messerschmidt) was driving to the Pico Rivera Station area regarding two armed suspects who ran from deputies. Sergeant Cook told Deputy Messerschmidt he would meet him at the Pico Rivera command post.

Upon his arrival, Sergeant Cook contacted Canine Handlers Deputies Messerschmidt and Spencer Reedy, and then they contacted the handling Pico Rivera Station patrol deputies (Steven Huerta and Leonardo Avendano) told him two male suspects armed with handguns ran from them and jumped over a fence in a residential area.

Sergeant Cook learned one of the suspects (Tommy Garcia) discarded a black handgun prior to jumping the fence and the other male (Suspect Soto) continued to hold a chrome handgun as he jumped the fence. The patrol deputies also told him containment was established and that prior to Canine's arrival, Tommy Garcia was located and his black handgun was recovered. Sergeant Cook saw the black handgun and later photographed it.

Based on the provided information as well as the outstanding armed suspect, Sergeant Cook told Deputy Messerschmidt to deploy his canine, Coz, to locate the other suspect. He said Deputy Reedy drove around the area and played pre-recorded canine announcements for approximately 10-15 minutes in both English and Spanish, and the Air Unit above them also played pre-recorded canine announcements over the residential area.

After the announcements were played, Sergeant Cook waited approximately five more minutes for the suspect to surrender, which did not occur. Deputy Messerschmidt and his canine, Coz, began to search the area followed by Deputy Reedy, Sergeant Cook and patrol deputies, Huerta and Avendano.

Sergeant Cook said approximately one hour later and after searching numerous residential yards, they arrived at [redacted] Ibsen (location) and discovered the side gate to the backyard was locked. In the backyard, a storage shed was seen from the side gate.

Sergeant Cook conducted a door knock at the location and learned the resident, Non-Employee Witness [redacted] only spoke Spanish. With the assistance of Spanish speaking Deputy Huerta, Sergeant Cook was told no one lived should be in Witness [redacted] backyard nor did anyone have permission to be in her yard. She also gave permission to deputy personnel to enter her residence and to use her back door to make entry into her backyard.

Sergeant Cook stated the patrol deputies (Huerta and Avendano) stayed in the living room with Witness [redacted] and her [redacted] Deputy Messerschmidt and his canine, along with Sergeant Cook and Deputy Reedy entered Witness [redacted] bedroom where there was an exit door that opened to her backyard.

From the bedroom's exit door, there was a shed located approximately six to eight feet away. Standing at the threshold of the door, Deputy Messerschmidt yelled out several verbal canine announcements into the backyard. They waited and listened for sounds of surrender or noises, but did not hear any. After a couple of minutes passed, Deputy Messerschmidt opened the door and deployed his canine, Coz.

Sergeant Cook saw Coz walk to the side yard and within seconds Coz went into the shed. Several seconds later, Sergeant Cook heard screaming and yelling coming from the shed. Deputy Messerschmidt then started to give commands to the suspect (Edward Soto) and the suspect responded back that the dog was biting him.

Sergeant Cook said because it was unknown if the suspect was armed, so Deputy Messerschmidt ordered the suspect to come out of the shed. Deputies Messerschmidt and Reedy then exited the door and took cover outside while Sergeant Cook stood at the threshold of the door and monitored the scene approximately three feet from the deputies.

Suspect Soto crawled on his hands and knees halfway out of the shed with the canine biting down on his right arm. Suddenly, Suspect Soto turned his body away from the canine (right), onto his back. With his left hand/arm, Suspect Soto attempted to pry/pull the canine off his right arm, which was unsuccessful. Deputy Messerschmidt ordered the suspect to stop fighting the dog and he would remove the canine from his arm.

Suspect Soto then complied, so Deputy Messerschmidt moved to the canine while Deputy Reedy and Sergeant Cook moved forward to cover Messerschmidt. Deputy Messerschmidt immediately pulled the canine from the suspect's arm and Suspect Reedy handcuffed the suspect while Sergeant Cook provided security. Sergeant Cook then requested Deputies Huerta and Avendano to come outside to get the suspect.

Sergeant Cook estimated that from the time he heard the suspect yell to the time Deputy Messerschmidt pulled the canine from the suspect's arm, 25-30 seconds had elapsed. He also said if Suspect Soto had initially complied with their orders to come out of the shed and not fight off the canine, the actual bite would have been approximately 15 seconds.

Sergeant Cook stated he interviewed the suspect and took photographs of the scene, the suspect, and the initial recovered black handgun. He believed the suspect was hiding near the washer/dryer area within the shed when he was bitten by the canine. He also said the chrome handgun was not located.

Sergeant Cook stated the suspect was taken to the hospital and it was later discovered that his right wrist was fractured. He believed if the suspect had not turned away from the canine and/or attempted to pull his arm from the canine's grasp, the fractured would not have occurred.

Sergeant Cook completed and submitted a use of force packet, which was approved by Special Enforcement Bureau Captain Jack Ewell on February 10, 2014. *For further, refer to the copy of the force packet, presented as **Exhibit A**. Also, refer to photographs of the recovered chrome handgun **(Exhibit B)**, a CD with audio interviews of the non-employee witnesses' statements, suspect photographs and the scene **(Exhibits C & D)**, and a CD containing the suspect interviews and photographs of his injuries **(Exhibit E)**, in the case book. Also, refer to a copy of Sergeant Cook's Training Records, presented as **Exhibit H**.*

<u>Deputy Curt Messerschmidt</u>

*On July 30, 2014, at approximately 1725 hours, Deputy Curt Messerschmidt was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy Messerschmidt declined representation. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the **Transcriptions-Involved Employees**, section of the casebook.*

Deputy Curt Messerschmidt said he received a radio request from the Sheriff's Communication Center regarding a Pico Rivera Sheriff's Station request for a canine of two armed suspects. He and his canine, Coz, responded in his assigned vehicle to the command post in the city of Pico Rivera. There, he learned the handling/witnessing deputies (Huerta and Avendano) were out on the containment, so he drove to their location (4100 block of Columbia Avenue) and waited for Sergeant Cook and Deputy Reedy to arrive.

Upon their arrival, Sergeant Cook and Deputies Messerschmidt and Reedy contacted the witnessing Deputies Huerta and Avendano. They learned the suspects ran from the deputies armed with handguns, and as the suspects jumped over a fence, one suspect (Tommy Garcia) threw his chrome handgun into a yard.

The deputies told canine personnel that they immediately set up containment and the suspect who tossed his chrome handgun was located, along with his loaded chrome handgun.

After the briefing, Sergeant Cook directed Deputy Messerschmidt to deploy his canine and Deputy Reedy to play the pre-recorded canine announcements. Deputy Messerschmidt stated the canine announcements played simultaneously between both Deputy Reedy and the air unit for approximately 10-15 minutes.

Deputy Messerschmidt said the search started on Columbia Avenue and went to Ibsen Street where he came upon a house (location) that had a wooden, shed-like structure in the backyard and the door was ajar eight to ten inches. The side gate into the backyard was locked, so Sergeant Cook contacted the homeowner (Non-Employee Witness [redacted] and they were given permission to enter her residence and search her backyard property.

Upon entering the master bedroom, Deputy Messerschmidt opened the exterior door to into the backyard. He yelled out canine admonishments and waited for an acknowledgement and/or sounds, but did not hear anything.

Deputy Messerschmidt deployed his canine and the dog went to the left side of the door to the west property line. The canine then went into the shed door via the slightly opened door, which was approximately 10-15 feet from where Deputy Messerschmidt stood at the back door. Seconds later, Deputy Messerschmidt heard screaming and knew his canine was engaged with someone.

Deputy Messerschmidt stepped outside to the left (west) and took a position trying to get a clearer view inside the shed to locate the suspect while Deputy Reedy and Sergeant Cook were to his right, nearer the house. He then ordered the suspect to come out of the shed and surrender.

The suspect (Edward Soto) complied and started to crawl out of the shed on his elbows and knees with the canine biting the suspect's right arm near the wrist. Deputy Messerschmidt ordered the suspect to lay flat on the ground with his hands in front of him. Instead, the suspect rolled onto his back and attempted to pry the canine's mouth from his right arm using his left hand.

Deputy Messerschmidt told the suspect to stop fighting the canine then he (Messerschmidt) would release the dog bite. The suspect complied and rolled back to his stomach. Deputy Messerschmidt did not see any weapons in the suspect's hands, so he told Deputy Reedy and Sergeant Cook that he was going to remove his canine from the suspect.

Manually, Deputy Messerschmidt grabbed onto his canine's collar and gave the dog the "release" command, which the canine complied with. The suspect was then handcuffed by patrol Deputies Huerta and Avendano.

Deputy Messerschmidt estimated that from the time he heard the suspect's screams to the time he pulled the canine from the suspect's arm, 25-30 seconds had elapsed. *For further, refer to Deputy Messerschmidt's Supplemental Report, which is included in the submitted force packet, presented as **Exhibit A**, and Deputy Messerschmidt's Training Records, presented as **Exhibit I**, in the case book.*

EMPLOYEE WITNESS:

On September 15, 2014, at approximately 1510 hours, Deputy Spencer Reedy was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy Reedy declined representation. *Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the **Transcriptions-Employee Witness**, section of the casebook.*

Deputy Spencer Reedy stated he did not have specific collection of how he was advised, but he responded to the Pico Rivera Station area regarding two armed gang members. Deputy Messerschmidt and Sergeant Cook also responded and ultimately, it was decided by Sergeant Cook that Deputy Messerschmidt would deploy his canine, Coz.

Deputy Reedy drove around the containment area and played pre-recorded canine announcements in Spanish and English in excess of 10 minutes. He believed an air unit also played the canine announcements from the helicopter.

After he played the announcements, Deputy Reedy and Sergeant Cook provided security for Deputy Messerschmidt while he searched the area with his canine, and two patrol deputies followed them. He stated that when they arrived at the location, the side gate to the backyard was locked. He said the Spanish speaking resident was contacted by unknown Department personnel and it was relayed to him that the resident could not open the side gate, but allowed personnel to enter her residence to conduct a search of her backyard.

Upon entering the residence, Deputy Reedy said the resident (Non-Employee Witness [redacted] and other family members stayed in another room, possibly being monitored by the patrol deputies. Deputy Reedy followed Deputy Messerschmidt into a bedroom which had a door that opened to the backyard.

Deputy Messerschmidt stood at the door and yelled out a couple of canine announcements into the backyard, but there was no response or noise heard. Deputy Reedy stated that after approximately 15-20 seconds had passed, Deputy Messerschmidt deployed his canine. Deputy Reedy could not see the outside because he stood behind Deputy Messerschmidt and Sergeant Cook who stood at the doorway in front of him.

Deputy Reedy did not recall how much time had elapsed before he heard the sounds of a "struggle." He did not initially hear a scream, but only recalled the sounds of a struggle. He then heard Deputy Messerschmidt ordering the suspect to come out and to show his hands.

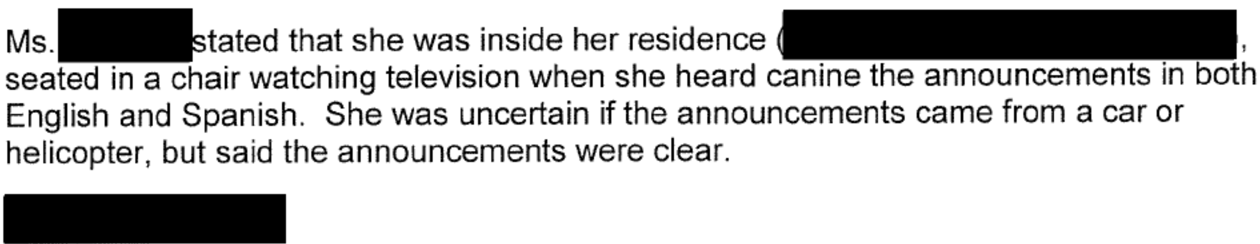
Deputy Messerschmidt then exited the door, followed by Sergeant Cook. When Deputy Reedy exited the door, he saw the suspect outside the shed with the canine biting his arm. Deputy Reedy did not recall if the suspect was on his back or stomach. He also did not have specific recollection of the approach, but once it was determined the suspect was not armed, Deputy Messerschmidt removed the canine from the suspect's arm while he provided security and unknown personnel handcuffed the suspect.

Deputy Reedy estimated that from the time the canine was deployed to the time the suspect was handcuffed, 30-40 seconds had elapsed.

> **IAB NOTE:** Deputy Reedy stated he did not author a report, but he used Deputy Messerschmidt's report to assist him in recollecting the incident.

NON-EMPLOYEE WITNESSES' STATEMENTS:

[redacted] *was interviewed after the incident by Sergeant John Cook from Canine Services Detail. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in IAB's audio files and/or the verbatim transcripts presented under the* ***Transcriptions, Non-Employee Witnesses*** *section, and/or reviewing the CD, presented as* ***Exhibit C****, in the casebook.*



Ms. [redacted] stated that she was inside her residence ([redacted], seated in a chair watching television when she heard canine the announcements in both English and Spanish. She was uncertain if the announcements came from a car or helicopter, but said the announcements were clear.

[redacted]

[redacted] *was interviewed after the incident by Sergeant John Cook from Canine Services Detail. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in IAB's audio files and/or the verbatim transcripts presented under the* ***Transcriptions, Non-Employee Witnesses*** *section, and/or reviewing the CD, presented as* ***Exhibit C****, in the casebook.*

Mr. [redacted] ([redacted] heard canine announcements in both English and Spanish coming from the helicopter.

[redacted]

[redacted] *was interviewed after the incident by Sergeant John Cook from Canine Services Detail. He was assisted by Pico Rivera Station Deputy Gonzalez who translated Spanish to English. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in IAB's audio files and/or the verbatim transcripts presented under the Transcriptions,* ***Non-Employee Witnesses*** *section, and/or reviewing the CD, presented as* ***Exhibit C****, in the casebook.*

Ms. [redacted] ([redacted]location) stated that she did not hear the helicopter. She remained in the living room and deputy personnel remained at the back door of her bedroom towards the shed. She heard a lot of "yelling" and "ordering" from deputy personnel, but does not understand English.

SUSPECT'S STATEMENTS:

On January 18, 2014, Suspect Edward Soto was interviewed at 0222 and 0343 hours by Sergeant John Cook from Canine Services Detail. Below is a summary of the interviews. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in IAB's audio files and/or the verbatim transcripts presented under the ***Transcriptions-Suspect*** *section, and/or reviewing the CD, presented as* ***Exhibit E****, in the casebook.*

Suspect Edward Soto stated that he ran from the deputies because he thought he had a warrant for his arrest. He hid in the shed and fell asleep, but did not hear any canine announcements. He said he grew up in the neighborhood, did not live at the location or have permission to be in the shed. Also, he did not know the name of the residents, but would acknowledge them (residents) when he passed by the house (location).

Suspect Soto said he drank alcohol and smoked marijuana earlier in the evening, and that he made a "dumb mistake." Other than the dog bites, rakes and punctures, he had no other injury.

MISCELLANEOUS SECTION:

None.